

1 U.S.C. § 45, the Telemarketing and C

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1	Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
2	California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
3	Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
4	Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
5	Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
6	Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).
7	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
8	Hawaii:	HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-15; and Act 217 §2 Haw. Sess. Laws (2014).
9	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
10	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
11	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12; and §§ 23-7-8-1 through -9.
12	Iowa:	IOWA CODE § 714.16.
13	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
14	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
15	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
16	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
17	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
18	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
19	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
20	Minnesota:	MINN. STAT. ch. 309.
21	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
22	Missouri:	MO. REV. STAT. ch. 407.
23	Montana:	MONT. CODE ANN. § 30-14-103.
24	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
25	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
26	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
27	New Jersey:	N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1 through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48-15.1.
28	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).

1	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
2	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
3	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
4	Ohio:	OHIO REV. CODE ANN. § 1716.
5	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
6	Oregon:	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
7	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
8	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.
9	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
10	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14.
11	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
12	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
13	Utah:	UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 13-22-23; and 13-26-1 through 13-26-11.
14	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
15	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
16	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
17	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.
18	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
19	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

20 4. Defendants CFA, CSS, and Reynolds, Sr. neither admit nor deny any of the
21 allegations in the Complaint, except as specifically stated in this Order. Only for
22 purposes of this action, these Defendants admit the facts necessary to establish
23 jurisdiction.

24 5. Defendants CFA, CSS, and Reynolds, Sr. waive any claim that they may
25 have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the
26 prosecution of this action through the date of this Order, and agree to bear their own costs
27 and attorney fees.

28 6. Defendants CFA, CSS, and Reynolds, Sr. waive all rights to appeal or
otherwise challenge or contest the validity of this Order.

7. Entry of this Order is in the public interest.

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. “Defendants” means the individual defendant James Reynolds, Sr. and the corporate defendants Cancer Fund of America, Inc., and Cancer Support Services, Inc., individually, collectively, or in any combination.

2. “CFA” means Cancer Fund of America, Inc., also d/b/a Breast Cancer Financial Assistance Fund, and its successors and assigns.

3. “CSS” means Cancer Support Services, Inc., and its successors and assigns.

4. “Reynolds, Sr.” means individual defendant James Reynolds, Sr.

5. “CFA and CSS Receivership Order” means the “Stipulated Order Appointing Liquidating Receiver Over Cancer Fund of America, Inc., and Cancer Support Services, Inc.”

6. “CFA and CSS Receiver” or “Receiver” means the receiver appointed over the CFA and CSS receivership estate by the CFA and CSS Receivership Order.

7. “Person” means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

8. “Charitable contribution” means any donation or gift of money or any other thing of value.

9. “Donor” or “consumer” means any person solicited to make a charitable contribution.

10. “Fundraising” means a plan, program, or campaign that is conducted to induce charitable contributions by mail, telephone, electronic mail, social media, or any other means.

11. “Nonprofit organization” means any person that is, or is represented to be, a nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically including but not limited to any such entity that purports to benefit, either in whole or in part, individuals who suffer or have suffered from cancer.

1 advising, acting as an independent contractor or as a fundraising consultant, supplying
2 contact or donor lists, or providing caging, mail processing, or fulfillment services, or
3 (2) controlling, directly or indirectly, or holding an ownership interest in, any entity
4 engaged in the business of fundraising;

5 B. Receiving any payment or other financial benefit from any nonprofit
6 organization or other entity th

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IV. TELEMARKETING SALES RULE COMPLIANCE

IT IS FURTHER ORDERED that Reynolds, Sr., CFA, CSS, their respective officers, agents, employees, and independent contractors, and all other persons in active concert or participation with them who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from violating, or assisting others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently promulgated or as it hereafter may be amended.

V. COMPLIANCE WITH STATE LAW

joined from violating, or

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1	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
2	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
3	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.
4	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
5	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

6 **VI. COOPERATION**

7 IT IS FURTHER ORDERED that CFA, CSS, and Reynolds, Sr. must cooperate
8 fully with Plaintiffs’ representatives in this case and in any investigation related to or
9 associated with the transactions or the occurrences that are the subject of the Complaint.
10 CFA, CSS, and Reynolds, Sr. must provide truthful and complete information, evidence,
11 and testimony. Reynolds, Sr. must appear, and CFA and CSS must cause their officers,
12 employees, representatives, or agents to appear for interviews, discovery, hearings, trials,
13 and any other proceedings that any Plaintiff’s representative may reasonably request
14 upon five days written notice, or other reasonab

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1 forever waive, release, discharge, and disclaim all right, title, and interest in
2 the boat.

3 3. Further execution of the monetary judgment shall be suspended as to
4 Reynolds, Sr., subject to Sections VII.C.4-5, below. Plaintiffs' agreement to the
5 suspension of the judgment owed by Reynolds, Sr. is expressly premised upon the
6 truthfulness, accuracy, and completeness of Reynolds, Sr.'s sworn financial
7 statements and related documents submitted to Plaintiffs, namely, the Financial
8 Statement of Individual, signed on June 26, 2015 (including attachments),
9 additional financial information provided on June 30, 2015; July 15, 2015; August
10 14, 2015; September 17 - 21, 2015; January 22, 2016, and February 2, 2016; and
11 the sworn financial interview of Reynolds, Sr. on September 15, 2015.

12 4. The suspension of the judgment will be lifted as to Reynolds, Sr. if, upon
13 motion by any Plaintiff, the Court finds that Reynolds, Sr. failed to disclose any
14 material asset, materially misstated the value of any asset, or made any other
15 material misstatement or omission in the representations made in the sworn
16 financial statements and related documents identified Section VII.C.3, above. If
17 the suspension of the judgment is lifted pursuant to this provision, the judgment
18 becomes immediately due in the amount specified in Section VII.A above as to
19 Reynolds, Sr. (which the Parties stipulate for purposes only of this Section
20 represents the consumer injury alleged in the Complaint for which Reynolds, Sr. is
21 jointly and severally liable with CFA and CSS), less any payment previously made
22 pursuant to this Section, plus interest computed from the date of entry of this
23 Order.

24 5. The suspension of the judgment will be lifted as to Reynolds, Sr. if, upon
25 motion by any Plaintiff State, the Court finds that Reynolds, Sr. has violated any
26 provision of Section II, above, and a judgment in the amount set forth in Section
27 VII.A above, less any prior payments by
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1 moving Plaintiff State, which shall use any money collected pursuant to the
2 requirements of Section VIII.E.2, below.

3 **VIII. ADDITIONAL MONETARY PROVISIONS**

4 IT IS FURTHER ORDERED that:

5 A. CFA, CSS, and Reynolds, Sr. relinquish dominion and all legal and
6 equitable right, title, and interest in all assets transferred pursuant to this Order and the
7 CFA and CSS Receivership Order, and may not seek the return of any assets;

8 B. The facts alleged in the Complaint will be taken as true, without further
9 proof, in any subsequent civil litigation by or on behalf of the Plaintiffs or the CFA and
10 CSS Receiver, including in a proceeding to enforce their rights to any payment or
11 monetary judgment pursuant to this Order, such as a nondischargeability complaint in
12 any bankruptcy case;

13 C. The facts alleged in the Complaint establish all elements necessary to
14 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
15 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such
16 purposes;

17 D. CFA, CSS, and Reynolds, Sr. acknowledge that their Taxpayer
18 Identification Numbers, Social Security Numbers and/or Employer Identification
19 Numbers, which Defendants previously submitted to Plaintiffs, may be used for
20 collecting and reporting on any delinquent amount arising out of this Order, in
21 accordance with 31 U.S.C. § 7701; and

22 E. Payment to the Plaintiff States:

23 1. All money paid to the Plaintiff States pursuant to this Order shall be
24 made by wire transfer to the Litigation Deposits Trust Fund (Fund Code “T-xx-909N”),
25 an interest bearing trust fund held by the Hawaii Attorney General’s Office in trust for
26 the Plaintiff States (“the short-term court ordered trust fund” or “STCO Fund”);

27 2. The STCO Fund shall be used to pay: (a) pursuant to cy pres,
28 qualifying charitable organizations with charitable purposes substantially similar to the

1 purposes for which CFA and CSS solicited funds, and (b) the Plaintiff States to reimburse
2 costs of the investigation and litigation and to pay attorneys' fees. When payment(s)
3 from the STCO Fund are appropriate, the Plaintiff States shall submit to this Court a
4 Motion and Proposed Order recommending cy pres recipients and the amounts to be paid
5 to such recipients and/or the amounts to be paid to reimburse the Plaintiff States for their
6 costs and attorneys' fees. The Hawaii Attorney General shall distribute monies from the

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X. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Reynolds, Sr. make timely submissions to Plaintiff Federal Trade Commission.

A. One year after entry of this Order, Reynolds, Sr. must submit a compliance report, sworn under penalty of perjury. Reynolds, Sr. must:

1. Identify all his telephone numbers and all physical, postal, email and Internet addresses, including all residences;
2. Identify all his business activities, including any business for which he performs services whether as an employee or otherwise and any entity in which he has any ownership interest;
3. Describe in detail his involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership;
4. Identify all such businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;
5. Describe the activities of each business, including the goods and services offered, the means of advertising, marketing, sales, methods of payment, and the involvement of any other Defendant named in this matter (which Reynolds, Sr. must describe if he knows or should know due to his own involvement);
6. Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which Plaintiffs or their representatives may use to communicate with him;
7. For any activity with any nonprofit organization:
 - a. identify each such nonprofit organization by all of its names, telephone number[s], and physical, postal, email, and Internet addresses;and

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b. describe in detail his involvement in each such nonprofit organization, including any title, role, responsibilities, participation, 9

1 foregoing is true and correct. Executed on [date] at [location]” and supplying the date,
2 location, signatory’s full name, title (if applicable), and signature.

3 E. Unless otherwise directed by a Commission representative in writing, all
4 submissions to Plaintiff Federal Trade Commission pursuant to this Order must be
5 emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:

6 Associate Director for Enforcement,
7 Bureau of Consumer Protection,
8 Federal Trade Commission,
9 600 Pennsylvania Avenue NW,
10 Washington, DC 20580

11 The subject line of each submission must begin: FTC v. Cancer Fund of America, et al.

12 **XI. RECORDKEEPING**

13 IT IS FURTHER ORDERED that Reynolds, Sr. must create certain records for ten
14 years after entry of this Order, and retain each such record for five years. Specifically,
15 for any business that he, individually or collectively with any other Defendant named in
16 this matter, is a majority owner or controls directly or indirectly, he must create and
retain the following records:

17 A. Accounting records showing revenues from all goods or services sold or
18 billed;

19 B. Personnel records showing, for each person providing services, whether as
20 an employee or otherwise, that person’s name; address; telephone number; job title or
21 position; dates of service; and reason for termination (if applicable);

22 C. Records of all consumer complaints, whether received directly or indirectly,
23 such as through a third party, and any response;

24 D. All records necessary to demonstrate full compliance with each provision
25 of this Order, including all submissions to Plaintiff Federal Trade Commission; and

26 E. A copy of each unique advertisement or other marketing material.
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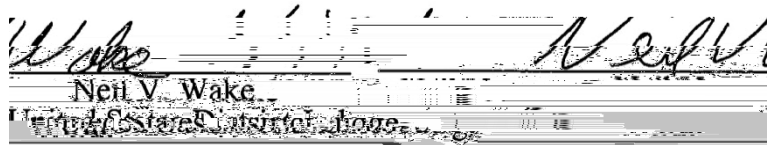
XIII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

XIV. STATE COURT ENFORCEMENT

Without limiting the above provisions, CFA, CSS, and Reynolds, Sr. agree that the provisions of Sections II, III, and V of this Order may be enforced by any Plaintiff State in a court of general jurisdiction in that Plaintiff's state if that Plaintiff State has reason to believe that persons in its state have been affected. Defendants CFA, CSS, and Reynolds, Sr. consent to any such court's jurisdiction for purposes of enforcing the terms of Sections II, III, and V of this Order.

Dated this 1st day of April, 2016.



Neil V. Wake